



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 25, 1996

Mr. John Steiner  
Division Chief  
City of Austin  
Law Department  
P.O. Box 1088  
Austin, Texas 78767-1088

OR96-1016

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 404323.

The City of Austin Police Department received a request for access to the department's dispatch log "on a daily 24 hour basis."<sup>1</sup> You contend that the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You contend that section 552.101, in conjunction article 6701d, section 47, V.T.C.S., excepts the requested information from required public disclosure. Effective September 1, 1995, article 6701d was repealed and codified as section 550.065 of the Transportation Code. Act of May 1, 1995, 74th Leg., R.S., ch. 165, § 24, 1995 Tex. Sess. Law Serv. 1025, 1870-71. The legislature did not intend a substantive change of the law but merely a recodification of existing law. *Id.* § 25, 1995 Tex. Sess. Law Serv. at 1871. The repeal of a statute by a code does not affect an amendment of the statute by the same legislature which enacted the code and the amendment is preserved and given effect as part of the

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<sup>1</sup>The Open Records Act does not require a governmental body to comply with a standing request for information to be collected or prepared in the future. See Attorney General Opinion JM-48 (1983). However, we rule on the records submitted to this office because there is nothing to prevent the requestor from making daily requests for newly created dispatch logs.

code provision. Gov't Code § 311.031(c). Thus, the amendment of section 47 of article 6701d, V.T.C.S., remains in effect as current law and may be found following section 550.065 of the Transportation Code. *See also* Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413, 4414. Section 47 provides, in pertinent part, as follows:

(a) Except as provided by Subsection (b) of this section, all *accident reports* made as required by this Act or Section 4, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes) [now codified as Transportation Code section 601.004], by persons involved in accidents, by garages, or by peace officers shall be without prejudice to the individual so reporting and shall be privileged and for the confidential use of the Department [of Public Safety] and agencies of the United States, this state, or local governments of this state having use for the records for accident prevention purposes.

(b)(1) The Department or a law enforcement agency employing a peace officer who made an accident report is required to release a copy of the report on request to:

(A) an agency described by Subsection (a) of this section;

(B) the law enforcement agency that employs the peace officer who investigated the accident and forwarded the report to the Department;

(C) a court in which a case involving one of the persons involved in the accident is pending pursuant to a lawful subpoena; or

(D) a person who provides the Department or the law enforcement agency with two or more of the following:

(i) the date of the accident;


(ii) the name of any person involved in the accident; or

(iii) the specific location of the accident.

[Emphasis added.] Section 47 specifically applies only to "accident reports" contemplated by article 6701d, V.T.C.S., or article 6701h, V.T.C.S. Section 47 is, therefore, inapplicable to the department's dispatch logs. *See* Open Records Decision No. 478 (1987) (as a general rule, statutory confidentiality requires express language making particular information confidential). Accordingly, you must release the requested information to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet H. Monteros  
Assistant Attorney General  
Open Records Division

JIM/rho

Ref: ID# 40432

Enclosures: Submitted documents

cc Mr. Russell Carter  
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(w/o enclosures)